

CITY COUNCIL OF THE CITY OF ANNAPOLIS

ORDINANCE NO. O-1-05

Introduced by Mayor Moyer

LEGISLATIVE HISTORY			
First Reader:	Public Hearing:	Fiscal Impact Note:	120 Day Rule:
1/10/05	2/28/05	2/28/05	5/10/05
Referred to:	Meeting Date:	Action Taken:	
Economic Matters	3/14/05	Favorable	

AN ORDINANCE concerning

DNEP Updates

FOR the purpose of updating various sections of the City Code administered by the Department of Neighborhood and Environmental Programs to correct grammar and capitalization; to clarify that a use and occupancy permit is required for change of ownership when alterations and construction is undertaken; to require a fee for the review of new as well as revised construction drawings is required; to clarify that the “current” building code applies to all buildings devoted to a new use; to clarify the display of addresses, to specify that building valuation is based on “current market value” in determining building permit fees; to reduce the time between when a building permit is issued and work must commence; to reduce the time between when authorized work is suspended or abandoned and when work must again commence; to clarify when a person has made a municipal infraction as related to construction safety and irregularities; to delete a superfluous reference to jail term that is included in the Fines Resolution; to reference the Director for approving occupancy or use permits rather than the City Clerk; to permit the issuance of two year rental licenses under certain circumstances; and matters generally relating to said Department of Neighborhood and Environmental Programs.

* * * * *

BY repealing and re-enacting, with amendments, the following sections to the Code of the City of Annapolis, 2005 Edition
Section 17.08.040
Section 17.12.024
Section 17.12.040

1 Section 17.12.052
2 Section 17.12.055
3 Section 17.12.056
4 Section 17.12.058
5 Section 17.12.064
6 Section 17.40.890
7 Section 17.44.010
8 Section 17.44.060
9

10 **BY** repealing in its entirety the following section to the Code of the City of Annapolis,
11 2005 Edition:
12 Section 17.44.070
13

14 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
15 **COUNCIL** that the Code of the City of Annapolis shall read as follows:
16

17 **Section 17.08.040 Grading permit--Exceptions.**
18

19 A grading permit is not required for the following provided that the other provisions
20 of this chapter and of applicable state law are satisfied:
21

22 A. Land on which the following exist:
23

- 24 1. Land-disturbing activities less than five thousand square feet,
25
- 26 2. The total excavation volume or fill volume of the site is less than one hundred
27 cubic yards, and is above the established mean high water line,
28
- 29 3. Land-disturbing activities shall not include steep slope areas,
30
- 31 4. The owner, builder, developer or permittee is not the owner, builder,
32 developer or permittee of any contiguous lots undergoing development,
33
- 34 5. The proposed grading will not impair existing surface drainage, constitute a
35 potential erosion hazard, or act as a source of sedimentation to any adjacent land or
36 watercourse, **and**
37
- 38 6. Grading will not take place within one hundred feet of the mean high water
39 line, **and**.
40

41 B. Land-disturbing activities that are subject exclusively to state approval and
42 enforcement under state law and regulations.

Section 17.12.024 Building code - Use and occupancy permit.

A. In accordance with the building code, a use and occupancy permit is required for all new construction and for structures undergoing alterations. A use and occupancy permit is also required if there is a change of use or occupancy **or ownership** even if there is no construction or alteration.

B. The inspection fees for the use and occupancy permit shall be paid at the time of the building permit application. The fees are nonrefundable and **not transferable**. The fee schedule shall be established by resolution of the ~~city council~~ **City Council**.

C. The use and occupancy permit shall be issued only after the ~~department of public works, neighborhood and environmental programs, the department of planning and zoning, the fire department and the health department~~ **Department of Public Works, Department of Neighborhood and Environmental Programs, the Department of Planning and Zoning, the Fire Department and the Health Department**, where applicable, have inspected the site and verified that the structures and the site meet city **City** standards and specifications, and are in accordance with the approved building permit application and the use requirements under Chapter 21.78.

D. The ~~director~~ **Director** or his designee may suspend or revoke any use and occupancy permit for any violations of the City Code, for unsafe conditions, violations of the issued permits, failure to obtain final inspections and approvals and for misrepresentation of facts.

E. In addition to other remedies provided to the city **City** by law, a person who violates this section shall be guilty of a municipal infraction and is subject to a fine as established by resolution of the ~~city council~~ **City Council**. All fines must be paid in full prior to any further inspections being made and prior to any permit issuance.

Section 17.12.040 Applicability--Change of use/occupant/owner.

The ~~building code~~ **current Building Code** applies to all buildings which are to be devoted to a new use, occupant, owner for which the requirements of the ~~building code~~ **current Building Code** are in any way more stringent than the requirements covering the previous use of the building.

Section 17.12.052 Building permit--Plans and specifications.

1 A. Before any permit required by Section 17.12.022 and 17.12.030 shall be
2 issued the applicant shall file an application with construction drawings supported by an
3 affidavit, which specifies the contract price of the construction in its entirety, the type of
4 building, structure or alteration to be erected or made, the material to be used, the number
5 of stories and the dimensions of the building or area to which alterations will be made. If
6 the permit is for the interior or exterior alteration of an existing building or structure,
7 construction drawings shall be submitted showing the nature and location of all alterations
8 unless approved otherwise.

9 B. The building permit application shall also include those plans and
10 specifications as required and as detailed in Section 17.08.060. At a minimum, the
11 application shall be accompanied by a scaled drawing showing the proposed location of the
12 building on the lot and the front yard, side yard and rear yard dimensions to the property
13 line.

14 C. No permit for a public building or structure or building or structure to be used
15 for a public assembly shall be issued unless construction drawings and specifications,
16 drawn and certified by an architect or engineer registered under the laws of the state of
17 Maryland, are submitted. Certified construction drawings and specifications shall be
18 submitted with permit application for all other buildings or structures unless approved
19 otherwise by the building official.

20 D. All construction drawings and specifications submitted with a permit
21 application which indicates they have been completed by an architect or engineer shall be
22 certified on each drawing and specification with the architect's or engineer's Maryland
23 seal, signature and date.

24 E. All structural evaluations including drawings shall be certified by a Maryland
25 Structural Engineer or Architect.

26 F. All **new and** revised construction drawings and submittals requiring review
27 shall pay a fee per schedule as established by resolution of the city council.

28
29 **Section 17.12.055 Display of address.**
30

31 A. The owners of any improved property shall post on or about the property
32 numbers or letters designating the address assigned to the property.
33

34 B. The number or letters shall be at least three inches high, displayed on a
35 contrasting background, and posted in order to be unobstructed and clearly legible from the
36 street named in the address of the property.
37

38 C. In addition to the requirements of subsection B of this section:

1 1. For a multifamily structure (six units or more):

2
3 a. The address shall be affixed to the structure in numbers or letters at least six
4 inches high and shall be clearly legible for entrances to parking areas from the street or
5 public way; and

6
7 b. The designation of each dwelling unit shall be affixed to the exterior door of
8 the unit with numbers or letters at least three inches high; and

9
10 2. For commercial property, the address shall be displayed in numbers or letters
11 at least six inches high.

12
13 D. An authorized representative of the departments of police, fire, neighborhood
14 and environmental programs, or planning and zoning Police, Fire, Neighborhood and
15 Environmental Programs, or Planning and Zoning may cite an owner for violation of the
16 provisions of this section.

17
18 E. Owners of existing improved property shall have thirty days from the
19 notification date to comply with the requirements of this section.

20
21 F. Violators of the provisions of this section are guilty of a municipal infraction
22 and subject to a fine as established by resolution of the city council City Council.

23
24 G. When an error or irregularity exists in the numbering of a house or other
25 building, or when a structure is without a number in any street, lane, court or ally, the
26 director Director or his designee shall notify the owner of the house or other building of the
27 error or irregularity in or absence of a number, and also shall provide the owner with the
28 correct number of the house or building.

29
30 H. No builder, owner, occupant or other person shall place a number on any new
31 building, or alter the number of any existing building, until the director Director or his
32 designee has designated the correct number of the house or building.

33
34 **Section 17.12.056 Building permit--Fees--Reinspection.**

35
36 A. The fee for a building permit shall be based on the estimated value of the
37 work in accordance with the schedule set out in subsection (B) of this section. Computation
38 of the estimated value must include the fair market value of all construction of work for
39 which the permit is issued, including all painting, siding, windows, roofing, electrical work,
40 plumbing, heating/air conditioning equipment, elevator equipment, fire sprinkler equipment
41 and any other permanent positions or permanent equipment essential to the operation of
42 the building. Equipment required for manufacturing of other special occupancy, land value

1 and development costs are excluded from the computation of fair market value. The
2 minimum acceptable valuation for new buildings shall be based on the ~~building evaluation~~
3 ~~data report as provided by the neighborhood and environmental programs in the~~
4 ~~department and revised from time to time~~ **current market value as determined by the**
5 **Department of Neighborhood and Environmental Programs.**
6

7 B. Nonrefundable application fees and building permit fees shall be established
8 by resolution of the ~~city council~~ **City Council.**
9

10 1. The application fee will not be refundable for any reason except if the permit
11 application has been denied. The application fee will be applied to the final cost of the
12 building permit at the time of issuance per the procedures as established by the ~~department~~
13 ~~of neighborhood and environmental programs.~~ **Department of Neighborhood and**
14 **Environmental Programs**
15

16 C. A fee as established by resolution of the ~~city council~~ **City Council** for
17 residential properties and commercial properties shall be charged for:
18

- 19 1. Moving a building, regardless of the value or size of the building;
20
21 2. Demolishing a building, regardless of the value or size of the building;
22
23 3. Moving, hauling or transporting an oversize load.
24

25 D. A person who moves or demolishes a building or transports an oversize load
26 without a permit is guilty of a municipal infraction and is subject to a fine as established by
27 resolution of the ~~city~~ **City.**
28

29 E. A monetary guarantee for the work will be executed by the applicant to ensure
30 that upon demolition or moving of a building, all associated utilities have been inactivated
31 and capped in a proper and safe manner.

32 F. Reinspection Fee. A fee as established by resolution of the ~~city council~~ **City**
33 **Council** must be paid before another inspection is made if, for the original inspection, one
34 or more of the following occurred:
35

- 36 1. Requesting party called for inspection, but work was not ready;
37
38 2. Requesting party was not on site;
39
40 3. Building was locked;
41
42 4. Safety features not on site;

- 1 5. Approved drawings not on site.

2
3
4 **Section 17.12.058 Approval--Commencing work--Expiration.**

5
6 A. Upon approval of a building permit, the applicant shall be provided verbal or
7 written notification to the address specified on the application that the permit has been
8 approved and is available for issuance.

9
10 B. A building permit is void unless issued within thirty days from the date of the
11 notification to the applicant pursuant to subsection (A) of this section.

12
13 C. A building permit is void unless construction for which the permit has been
14 issued is commenced within a period of ~~ninety~~ **forty-five** days after issuance or if the
15 authorized work is suspended or abandoned for a period of ~~six months~~ **sixty days** after the
16 time of commencing the work.

17
18 D. A building permit shall be valid for two years from the date of issuance, unless
19 a shorter time period is designated by the ~~director~~ **Director** or his designee.

20
21 E. Demolition, tent and special permits shall be valid for the time period as
22 established by the ~~director~~ **Director** or his designee.

23
24 F. The issued permit card must be posted within twenty-four hours of the
25 issuance and made visible from the fronting roadway or street. The permit card shall be
26 posted regardless of construction start date and remain for the duration of the project.
27 Owner/contractor is responsible for protecting the card from damage.

28
29 G. The ~~Building Official~~ **Code Official** may require the owner to provide a
30 monetary guarantee in the form of a certified check, letter of credit or performance bond
31 for specific permits to guarantee completion of the work under agreement with the City.

32
33 H. The ~~director~~ **Director** may renew a building permit for an additional six month
34 period if the applicant:

35
36 1. Makes written request for the renewal prior to the expiration date of the
37 permit; and

38
39 2. Provides written justification, satisfactory to the ~~director~~ **Director**, that work
40 could not be completed prior to the expiration date of the permit because of circumstances
41 beyond the control of the applicant.

42

1 I. A building permit may not be renewed more than twice for a total of one year,
2 unless approved otherwise by the director of neighborhood and environmental programs
3 **Department of Neighborhood and Environmental Programs**.
4

5 J. If the building permit is to be renewed more than twice, all permit paperwork
6 and applicable surety, shall be updated to the department of public work's **Department of**
7 **Neighborhood and Environmental Programs** requirements and all permit fees shall be
8 repaid in full prior to renewal.
9

10 K. Work Hours. No construction work or machinery shall start prior to 7:00 a.m.
11 and shall finish up no later than dusk and there shall be no outside Sunday work unless
12 specifically approved otherwise.
13

14 L. A person who violates this section is guilty of a municipal infraction and is
15 subject to a fine of one hundred dollars for any single, initial violation and a fine of two
16 hundred dollars for each repeat or continuing violation.
17
18

19 **Section 17.12.064 Suspension or revocation of permit.**
20

21 ~~The director or his designee may suspend or revoke any building permit for any~~
22 ~~irregularities in construction or for unsafe or unworkmanlike construction, failure to obtain~~
23 ~~required inspections, misrepresentation of the facts or for any violation of the building code~~
24 ~~and this chapter.~~ **Any person who causes any irregularities in construction or unsafe or**
25 **unworkmanlike construction, fails to obtain required inspections, misrepresents facts or is**
26 **responsible for any other violation of the Building Code is guilty of a municipal infraction**
27 **and is subject to a fine, suspension of building permits, or revocation of a building permit**
28 **as established by resolution of the City Council.**
29

30 **Section 17.40.890 Residential housing standards violation.**
31

32 A. A person served with the notice required by Section 17.40.840 who fails to
33 comply with the notice is guilty of a municipal infraction and is subject to a fine as
34 established by resolution of the city council. If the violation is not corrected fully within the
35 following five-day period, a second citation may be issued assessing an additional fine as
36 established by resolution of the city council. For each successive five-day period during
37 which the violation is not corrected fully a new citation shall be issued assessing the fine
38 as established by resolution of the city council. No citation shall be issued if an election to
39 stand trial on the original citation has been filed and is pending. In the event of an appeal
40 to the building board of appeals, no citation for a municipal infraction shall be issued until
41 the final notice required by Section 17.40.880 first has been served upon the alleged
42 violator and the time specified in the notice for taking the required action has expired with
the action required by the notice not having been taken and completed.

1 B. A person served with notice of violation required by Section 17.40.840 who
2 fails to comply with the notice according to the schedule specified by the director of public
3 works **Director of Neighborhood and Environmental Programs** and who has not elected to
4 stand trial on the citation is guilty of a misdemeanor and on conviction is subject to a fine
5 as established by resolution of the city council or imprisonment not exceeding six months
6 or both. Each day the violation remains uncorrected shall be considered a separate
7 offense.

8
9 **Section 17.44.010 Required.**

10
11 A. No person shall let for occupancy or use any vacant single rental dwelling
12 unit, multiple dwelling, bed and breakfast home or roominghouse without a current
13 operating license issued by the city clerk **Department of Neighborhood and Environmental**
14 **Programs**, after the application for the license has been approved by the director of
15 neighborhood and environmental programs **Department of Neighborhood and**
16 **Environmental Programs**, with the concurrence of the planning and zoning director **Director**
17 **of Planning and Zoning**, and the fire chief **Fire Chief** and the **County** health officer, for the
18 specific named unit, multiple dwelling, bed and breakfast home or roominghouse.

19
20 B. When an operating license is suspended or revoked or an application for
21 renewal is denied, it shall be unlawful for any person to let for occupancy or use any
22 dwelling unit then vacant or becoming vacant until a license has been reissued or
23 revalidated.

24
25
26 **Section 17.44.060 Term Operating license for rental units and rooming houses.**

27
28 An operating license shall be issued for a period of one year from its date of
29 issuance unless sooner revoked, and may be renewed for successive periods not to
30 exceed one year.

31
32 A. The operator of a multi-family dwelling consisting of fifty or more units who
33 employs a full-time maintenance staff of three or more employees on-site shall have its
34 license initially issued or renewed for a two-year period. All other licenses shall be
35 issued or renewed on an annual basis.

36
37 B. No operating license shall be renewed unless an application for renewal has
38 been made within thirty days prior to the expiration of the current operating license.
39 Unless the City has failed to give notice of a renewal date sixty days prior to the date, a
40 penalty fee as established by resolution of the City Council shall accompany any
41 application filed less than thirty days prior to expiration.
42

Section 17.44.070 Renewal.

~~— No operating license shall be renewed unless an application for renewal has been made within sixty days prior to the expiration of the current operating license. Unless the city has failed to give notice of a renewal date ninety days prior to the date, a penalty fee as established by resolution of the city council shall accompany any application filed less than sixty days prior to expiration.~~

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect from the date of its passage.

ADOPTED this 11th day of April, 2005.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

Deborah Heinbuch, MMC
City Clerk

BY: _____
ELLEN O. MOYER, MAYOR

EXPLANATION:

Highlighting indicates matter added to existing law.

Strike Out indicates matter deleted from existing law.

Underlining indicates amendments.